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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,620	02/22/2002	James A. Stares	52643-00335USPT	4460

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EXAMINER

FOX, JOHN C

ART UNIT PAPER NUMBER

3753

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,620

Applicant(s)

STARES, JAMES A.

Examiner

John Fox

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10, 12-24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10, 12-24 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-7, 10, 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kruschik. Kruschik shows a valve having an eccentric cage 5, 6, 7, 8, 9, 10, 11, 12 and an annular chamber 18, the elements 8, 9 and 12 being angled towards the right in Figure 2 and the walls of the ports "passing" straight through the wall of the cage.

Applicant's remarks have been fully considered but are not deemed persuasive. Schnetzer, of record, is an example of a valve with ports which are not angled. If an outer portion of the port wall is reduced, it can fairly be termed angled. This is what Kruschik shows.

Claims 6, 8-9, 14, 16-17, 22, 24, 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Barr. Barr shows a valve with inlet 8, outlet 9, cage 16 with lateral ports 30, plug 15 and chamber 7 with a larger area adjacent the outlet than opposite the outlet. The upper and lower segments of the cage shown in Figure 2 are read as triangular flow splitters in that they are generally triangular and split the flow.

Applicant's remarks have been fully considered but are not deemed persuasive. The upper ports which are angled towards outlet 9 comprise a plurality of ports. Nothing in the claim precludes a second plurality of ports.

Claim 26 is rejected under 35 U.S.C. 103 as being unpatentable over Barr in view of Kruschik. Barr shows the claimed valve except for different sized ports. Kruschik shows a valve which can have either the same sized ports or different sized ports. It would have been obvious for one of

ordinary skill in the art to have used such different sized ports in the valve of Barr to modify the flow metering, for example.

Claims 18-23 are rejected under 35 U.S.C. 103 as being unpatentable over Kruschik in view of JP 114,066. Kruschik shows the claimed invention except for have port walls which curve. JP 114,066 shows a similar valve with straight port walls for directing the flow of fluid. It would have been obvious for one of ordinary skill in the art to have used such straight walls as taught by JP 114,066 in the valve of Kruschik to minimize manufacturing costs, for example.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fox whose telephone number is 703-308-2595. The examiner can normally be reached on Maximum Flextime.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherble can be reached on 703-308-1257. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Fox
Primary Examiner
Art Unit 3753
